

**SUPERIOR COURT OF ARIZONA IN AND FOR
MARICOPA COUNTY POLICY AND
PROCEDURES RE:**

**NOTICE OF COURT ACCESS INFORMATION
FOR PERSONS WITH DISABILITIES**

(1) Policy

In accordance with Title II of the Americans with Disabilities Act (“ADA”) and other applicable laws, it is the policy of the Maricopa County Superior Court (“Superior Court”) to assure that qualified individuals with disabilities have full and equal access to the Superior Court system’s services, programs and activities.

Nothing in this Notice shall be construed to impose limitations upon or to invalidate the remedies, rights, and procedures accorded qualified individuals with disabilities under state or federal law.

**(2) Accommodation Requests for Court Services,
Programs and Activities**

The Superior Court provides reasonable accommodations upon request to qualified individuals with disabilities who require accommodation to fully and equally participate in court services, programs, and

activities.¹ The Superior Court has designated an ADA Coordinator to carry out compliance with Title II of the ADA.² Qualified individuals with disabilities requiring accommodation to access court services, programs and activities, including, but not limited to, courtroom proceedings, may complete the attached **Request for Accommodations Form**, and submit it by either (1) mailing it to the ADA Coordinator, or (2) by giving it to courtroom staff or to the Clerk's Office. If the requesting individual needs help completing the form, please ask the ADA Coordinator for assistance.³ Alternative means of submitting an accommodation request, such as by personal interview or a tape recording, will be made available to qualified individuals with disabilities upon request.

The ADA Coordinator's contact information is:

Hugh Gallagher, ADA Coordinator
Maricopa County Superior Court
125 W. Washington 3rd Floor
602-506-3070
Fax: 602-506-3134

To the extent possible, please submit the Request for Accommodations Form at least one week prior to any scheduled judicial proceeding, service, program or activity. For emergency judicial matters, the ADA Coordinator should be contacted immediately.

The ADA Coordinator may ask the requesting individual for additional relevant information where it would be helpful in responding to the request for accommodations. The ADA Coordinator will, as soon as reasonably possible, provide a response to the request for accommodation, and notify the requesting individual whether the requested accommodation will be provided. This will be done in writing unless the short lead time of a request precludes written notice. If the requesting individual is dissatisfied with the response to the request, the individual may file a complaint using the Grievance Procedures described in Section 5 of this Notice.

In providing reasonable accommodation, although the Superior Court gives primary consideration to the accommodation requested, the Superior Court has exclusive authority to make decisions regarding accommodation requests. An alternative accommodation may be offered if equally effective. Every effort shall be made to meet the specific needs of the individual. The Superior Court is not required to make modifications that would fundamentally alter the service, program or activity or cause undue financial or administrative burden.

(3) Definitions

The following definitions apply to this Notice and to all matters pertaining to the Superior Court's compliance with Title II of the ADA:

(a) **“Accommodations”** may include, but are not limited to, making reasonable modifications in policies, practices, and procedures; furnishing, at no charge, to qualified individuals with disabilities, auxiliary aids and services, which are not limited to equipment, devices, materials in alternative formats, and qualified interpreters or readers; and making each service, program, or activity, when viewed in its entirety, readily accessible to and usable by qualified individuals with disabilities requesting accommodations. The Superior Court is not required to take any action, which would result in a fundamental alteration in the nature of a service, program or activity or in undue financial or administrative burdens.

(b) "Auxiliary aids and services" includes

(i) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(ii) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(iii) Acquisition or modification of equipment or devices; and

(iv) Other similar services and actions.

(c) "Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or regarded as having such an impairment.

(d) “Qualified individual with a disability” means an individual who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

(4) Effective Communication in Court Services, Programs, and Activities

The Superior Court takes appropriate steps to ensure that communications with parties, jurors, attorneys, witnesses, and members of the public who are qualified individuals with disabilities are effective. The Superior Court furnishes appropriate auxiliary aids and services where necessary to afford qualified individuals with a disability an equal opportunity to participate in or benefit from the Superior Court’s services, programs, and activities.

When a qualified individual with a disability requires an auxiliary aid or service to ensure effective communication, he or she may request the auxiliary aid or service of his or her choice. The Superior Court gives primary consideration to the choice expressed by the

individual. Primary consideration means that the Superior Court will honor the choice, unless it can show that another equally effective means of communication is available, or that use of the means chosen would result in (1) a fundamental alteration in the nature of its service, program, or activity, or (2) an undue financial or administrative burden. When the preferred type of auxiliary aid or service is not available or will not be provided, the ADA Coordinator or designee will consult with the requesting individual and will ascertain whether an alternative means of communication will ensure effective communication. The ADA Coordinator may ask the requesting individual for additional relevant information where additional relevant information would be helpful in responding to the request for accommodations.

Advance notice to the Superior Court of the request for auxiliary aids or services is strongly encouraged. The ADA Coordinator should be notified at least one week in advance of court sessions or for ongoing services, programs or activities. For emergencies or urgent requests, the ADA Coordinator should be notified immediately.

The ADA Coordinator will, as soon as reasonably possible, notify the requesting individual regarding the request and whether the proposed auxiliary aid or service

will be provided. This will be done in writing unless the short lead time of a request precludes written notice.

If the requesting individual is dissatisfied with the proposed auxiliary aid or service or otherwise dissatisfied with the response to the request, the individual may file a complaint using the Grievance Procedures set out in Section 5 of this Notice.

(5) Grievance Procedures for Handling a Complaint about Access to Judicial Programs, Services, or Activities

Any user of the Superior Court system – including, but not limited to, parties, attorneys, jurors, witnesses, or members of the public -- who believes that he or she has been subject to discrimination by the Superior Court based on a disability, can pursue a complaint through the Superior Court's grievance procedures.⁴ These grievance procedures do not in any way limit other legal remedies that may be available. The Superior Court's grievance procedures apply to those qualified individuals with a disability who, with or without reasonable modifications to rules, policies or practices, the removal of barriers, or the provision of auxiliary aids or services, meet the essential eligibility requirements for services, programs, or activities.

(a) Filing a Complaint

Any individual who believes that he or she has been treated by the Superior Court system in a discriminatory manner as a result of disability may file a complaint with the Presiding Judge. Complaints must be filed in writing, using the attached Grievance Form, within sixty (60) days from the alleged discrimination. The completed Grievance Form should be mailed to the ADA Coordinator at the contact information provided in Section 1 of this Notice. Any individual who requires assistance in filling out the Grievance Form may contact the ADA Coordinator.⁵ Alternative means of submitting an accommodation request, such as by personal interview or a tape recording, will be made available to qualified individuals with disabilities upon request.

The complaint will be addressed through the ADA Coordinator, who will investigate it or forward it to an individual designated to investigate ADA complaints. The findings will be presented to the Presiding Judge or to a designated judge for determination.

In order to provide the judge with sufficient information, you are asked on the Grievance Form to describe the event as specifically as possible. You should include the names of anyone who can assist in the investigation. Include a copy of any papers you have that

relate to the complaint or that may be of help in understanding your complaint. Be sure to send copies of the documents, and keep originals for your files.

Within two weeks of receiving the Grievance Form, the ADA Coordinator will send a letter to the grievant acknowledging receipt of the grievance.

(b) Investigation

Complaints will be investigated promptly, unless you are notified otherwise. In some cases, the investigation will include interviews with other individuals, including those you name in your Grievance Form, and an examination of relevant document and files.

(c) Findings and Determination

Within 45 days of the receipt of the Grievance Form by the ADA Coordinator, a determination should be issued by the Presiding Judge or other designated judge. Copies of the determination will be sent to the grievant and to anyone against whom allegations have been made. The determination will include, if appropriate, a remedy. For example, if it is determined that the grievant was treated in a discriminatory manner, possible remedies may include a change in policy or local practices, or appropriate disciplinary action.

(d) Appeal

If you disagree with the determination, an appeal may be filed within 30 days of the date of the determination by submitting a letter for reconsideration (“appeal letter”) to the Presiding Judge of the Superior Court. The appeal letter should be mailed to the ADA Coordinator at the contact information set out in Section 1 of this Notice. The appeal letter should set out the reasons why you disagree with the determination and the remedy you believe is appropriate. The Presiding Judge or other designated judge should make a final determination within 30 days of the date the appeal was received, based upon a complete review of the evidence. Copies of the final determination will be sent to the grievant and to

anyone against whom the allegations were made. The final determination may confirm the earlier determination, modify the earlier determination, modify the remedy, or reverse the earlier determination.

(e) Implementation

The Presiding Judge or other designated judge has the responsibility for implementing the final determination. If you have any questions about implementation, you can check with the ADA Coordinator.

(f) Time Limits

All of the offices involved in the resolution of complaints through this grievance process will try to comply with the stated time limits. However, strict compliance is not always possible due to, for example, the absence of important witnesses, or the need for additional information from the grievant, or the need to complete an unusually complex investigation. Whenever possible, the grievant will be notified about delays.

(6) Retaliation is Prohibited

The Superior Court will not discriminate against any individual because that individual has opposed any act or

practice made unlawful by Title II of the ADA, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title II of the ADA.

The Superior Court will not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by Title II of the ADA.

(7) Federal and State Human Rights Agencies

An individual may file a claim of discriminatory treatment based upon disability in the services, programs or activities of the Superior Court with an outside agency, even while a grievance is pending using the Superior Court's Grievance Procedures.

Time limits for filing disability discrimination claims with outside agencies may be different than the time limits for filing a complaint with the Superior Court. Be sure to check with the outside agency for its filing deadlines.

(8) Alternative Formats

This Notice will be made available in alternative formats upon request, such as large print, audiotape or Braille.

Endnotes

¹ This Notice and its related forms and Grievances Procedures are inapplicable to claims, complaints, or remedies relating to employment or application for employment. A separate procedure exists for claims of disabilities discrimination relating to employment. Information about the separate procedure for employment-related claims may be obtained from the Equal Employment Opportunity Officer of the Administrative Office of the Superior Court.

² The Superior Court, in its discretion, may assign one or more designees to an ADA Coordinator.

³ The ADA Coordinator cannot give legal advice to individuals who require assistance in completing forms.

⁴ The Grievance Procedures set out in this Notice apply to grievances related to programmatic access to the court system; the grievance procedures do not apply to acts by judges in their official capacity, such as deciding cases.

⁵ See end note #3.